

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

*Jean M. Farney*

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In Re: Daniel Schneider,	)	
Debtor.	)	Chapter 7
V2R, LLC, and SPECIAL SITUATIONS	)	Case No. 05-23382-JNF
FUND, IV, LLC,	)	
	)	
Plaintiffs,	)	
vs.	)	
DANIEL SCHNEIDER,	)	Adversary Case No. 06-01090
	)	
Defendant.	)	

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**CREDITORS' MOTION TO DISMISS COUNTERCLAIM  
AND INCORPORATED MEMORANDUM OF LAW**

Creditors, V2R, LLC, and SPECIAL SITUATIONS FUND, IV, LLC (collectively referred to as the "Creditors"), by and through their undersigned attorneys, file this Motion to Dismiss and Incorporated Memorandum of Law. For the following reasons, the Court must dismiss the Counterclaim as to the Creditors pursuant to Federal Rule of Bankruptcy Procedure 7012, incorporating Federal Rule of Civil Procedure 12(b)(6), for failure to state a claim upon which relief can be granted.

**INTRODUCTION**

1. On or about October 12, 2006, Debtor commenced this Chapter 7 proceeding.
2. On or about February 3, 2006, Creditors timely filed this adversary action objecting to the discharge of Debtor's debt pursuant to 11 U.S.C. §523. In this adversary action the Creditors seek to have this Court enter an Order determining that the debt owed by the